SINGLE BENCH

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(2) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P (s) No. 867 /2007

PETITIONERS:

1. Bhuvneshwar Dhar Sharma
Aged About 48 years, S/O Shri C.D.Sharma, R/O Asst Teacher,Govt. Primary School,Khapri, Tahsil Masturi, Distt Bilaspur (CG)

2. Shivpal Singh Chandra
Aged About 36 years, S/O Shri H.S.Chndra, R/O Asst Teacher,Govt. Primary School,Kikirda,Block Jaijepur , Distt Janjgeer-Champa (CG)

3. Smt. Sarla Thakur
Aged About 49 years, W/O Shri B.S.Thakur R/O Asst Teacher,Govt.Girls Primary School,Chakarbhata Camp, Tahsil Bilha, Distt Bilaspur (CG)

4. Ashwani Kumar Tiwari
Aged About 37 years, S/O Shri H.P.Tiwari, R/O Asst Teacher,Govt. Middle School,Haranmudi,Block Pali, Distt Korba (CG)

5. Rohit Kumar Thakur
Aged About 43 years, S/O Shri M.S.Thakur R/O Asst Teacher,Govt. Primary School,Kucharbod Tahsil Patharia, Distt Bilaspur (CG)

P.R.No. 1652/07 Presented by Shri Sunil Jain dated 6/12/07

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VERSUS

(3) (5)

RESPONDENTS:

1. State of Chhattisgarh Through the Secretary Department of School Education, D.K.S. Bhawan Mantralaya Raipur (Chhattisgarh)
2. The Assistant Commissioner, Tribal Department Bilaspur District Bilaspur(CG)
3. The Assistant Commissioner, Tribal Department Korba District Korba(CG)
4. District Education Officer Bilaspur District Bilaspur(CG)
5. District Education Officer Korba District Korba(CG)
6. District Education Officer Janjgeer-Champa District Janjgeer-Champa(CG)
7. The Director of Public Instruction, Pension Bada, Raipur, (CG)

OATH COMMISSIONER APARNA MALVIYA CG-2073/96 Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA OF ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:

1. **PARTICULARS OF THE PETITIONERS:**

(35)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (S) No. 867 of 2007

Petitioners : Bhuvneshwar Dhar Sharma and others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Ms. Sunita Jain, Advocate for the Petitioners.

Ms. Deepali Pandey, Panel lawyer for the State/respondents.

ORDER

(Passed on this 13th day of February, 2007)

1. The petitioners are working as Assistant Teachers in the government school. In the course of their services as Assistant Teachers, the petitioners have obtained D.Ed. Examination Certificates on their own expenses.

2. Learned counsel appearing for the petitioners submits that the question involved, herein asto whether the teachers, who obtained D.Ed. Examination Certificates on their own expenses, are entitled to two advance increments.

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers,

(36)

who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 (Annexure P/7) issued by the State Government of Madhya Pradesh.

4. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) (Supra).

5. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of

(32)

the fact as to whether the petitioners have acquired D. Ed. Examination Certificates on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge